



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

C-14J

August 13, 2019

BY ELECTRONIC MAIL

Robert Long, Esq.
Daniels, Long & Pinsel
Daniels Law Building
19 North County Street
Waukegan, IL 60085

Re: H.O.D. Landfill Site
Village of Antioch, Illinois

Dear Mr. Long:

I am writing with regard to the above-referenced H.O.D. Landfill Site, at which the EPA is overseeing remedial action undertaken pursuant to a Unilateral Administrative Order issued under the authority of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9601 *et seq.* The Village of Antioch is a respondent to that order. Mr. Michael Peterson of Waste Management of Illinois has kindly directed EPA to you as the Village of Antioch's legal representative.

The remedial action implements a remedy that EPA selected for the Site. Our previous and current reviews of technical information about H.O.D. Landfill have focused on vinyl chloride detected in both shallow and deep groundwater (monitoring wells US-06S and US-03D) near the southwest corner of the landfill and its potential to impact the nearby public water supply wells. Accordingly, the remedy calls for, among other things, recording of restrictive covenants on the parcels comprising the Site, and the Village's maintaining an ordinance that prohibits the installation and use of private wells as drinking water sources. EPA is currently reviewing draft restrictive covenants that Attorney Jennifer Nijman prepared for the Village's and Waste Management of Illinois' parcels.

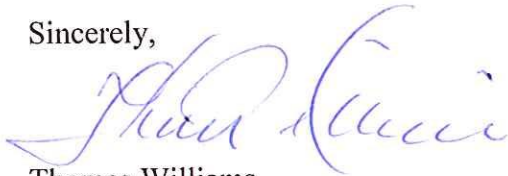
Regarding the ordinance, we understand that, apparently through an exercise undertaken several years ago, ordinances that were in place at the time EPA selected its remedy for the Site (Antioch Water Works and Sewage Ordinance Sections 50.008, 52.009, and 52.01) have since been repealed or replaced. Our review of the ordinances currently in place indicates that there is a requirement that residences be connected to the public water supply and sewage system, but there currently is no express prohibition on the installation of private drinking water wells within the Village's limits.

Accordingly, EPA wishes to convene with you and Waste Management, Inc. representatives to discuss options for moving forward with an ordinance to replace the prohibition on private drinking water well installation that was in effect at the time of remedy selection. EPA's project manager for the Site, Ms. Karen Mason-Smith, has also reached out to the Village Manager for this purpose.

Additionally, the Institutional Controls Plan contained a title commitment for the parcels comprising the Site. Pursuant to Ms. Mason-Smith's letter to Waste Management dated April 30, 2019, a copy of which is included, Waste Management has furnished us with a commitment for the area it owns; we request that the Village also arrange for a title commitment for the area within its ownership, and furnish that to EPA, to my attention, within 60 days of your receipt of this letter.

Thank you for your cooperation. If you have questions about the foregoing, you may reply to the email address williams.tom@epa.gov, or call me at (312) 886-0814.

Sincerely,



Thomas Williams
Associate Regional Counsel

Attachment

cc:

Karen Mason-Smith, EPA
Melinda Shaw (IEPA)
Kim Geving, Esq. (IEPA)
Michael Peterson, WMII
Michelle Gale, Esq.
Jennifer Nijman, Esq.